

**THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

PHILIPS LIGHTING HOLDING B.V.,

Plaintiff,

vs.

HOWARD INDUSTRIES, INC. (d/b/a  
HOWARD LIGHTING),

Defendant.

Civil Action No. 2:18-cv-12-KS-MTP

**STIPULATION REGARDING ENTRY OF PROPOSED  
COURT ORDER FOR THE PRODUCTION OF LICENSE AGREEMENTS**

WHEREAS Defendant Howard Industries, Inc. d/b/a Howard Lighting (“Howard”) has requested that Plaintiff Philips Lighting Holding B.V. (“Philips Lighting”) produce “All patent, technology license, or lease agreements Relating to the subject matter of the Asserted Patents between Philips Lighting and any other entity.” In addition, Howard asked in its Interrogatory No. 6 that Philips Lighting “Identify each person or entity that possesses a license, covenant not to sue, or other right to practice one or more of the Asserted Patents, including without limitation the Bates number of each document evidencing such license, covenant not to sue, or other right to practice one or more of the Asserted Patents, the date upon which each person or entity received such license, covenant not to sue, or other right; and the royalties or other consideration paid under each such agreement (including whether such royalties were paid up, lump sum, an annual royalty, or some other royalty amount); identify by name and title the person(s) most knowledgeable about the response given to this Interrogatory; and identify all documents, things, acts, or other information relating to the response given to this Interrogatory”;

WHEREAS Philips Lighting states that it possesses “Category 1” license agreements which require a Protective (Confidentiality) Order in place and a separate Court Order requiring the production of those agreements for disclosure to a third party, and “Category 2” license agreements, which require more than a Protective (Confidentiality) Order in place and a separate Court Order before they are produced;

WHEREAS outside counsel for Philips Lighting and Howard conferred to discuss the production of license agreements and agreed the parties could consent to a Court Order in order facilitate the production of certain license agreements from Philips without burdening the Court with motion practice;

WHEREAS Philips Lighting is willing to facilitate the production of “Category 1” license agreements (under the “Outside Counsel Attorneys Eyes Only” designation pursuant to the Protective Order governing confidentiality) in response to the discovery requests from Howard, but states that it requires the entry of a Court Order directing the production of those agreements given certain contractual obligations in addition to entry of the Protective Order (Dkt. 43) entered by the Court;

WHEREAS Howard is agreeable under this Stipulation to Philips Lighting’s production of Category 1 license agreements, but expressly reserves its right to continue to pursue production of Category 2 license agreements at such later time and to move to compel those license agreements as appropriate, and Howard acknowledges that Philips Lighting expressly reserves its rights and objections thereto; and

WHEREAS counsel for Philips Lighting and Howard have approved this Stipulation and the Proposed Order submitted herewith.

NOW THEREFORE, Philips Lighting and Howard agree that Philips Lighting shall produce “Category 1” license agreements to Howard, subject to the terms of the Protective Order entered in this Action (Dkt. 43), and subject to the entry of a Court Order in the form of the Proposed Order submitted herewith.

Dated: July 2, 2018

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Respectfully submitted,

Respectfully submitted,

By: /s/ J. Stephen Kennedy

By: /s/ Richard Lewis Yoder, Jr.

J. Stephen Kennedy (MB No. 100040)  
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***Counsel for Defendant Howard Industries,  
Inc. d/b/a Howard Lighting***

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to counsel of record.

Dated: July 2, 2018

By: /s/ J. Stephen Kennedy  
J. STEPHEN KENNEDY